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May 14, 2004

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Re:

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PATENT
Attorney Docket No.: 975902600043

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wilhelm F. Maier, et al.
Serial No. : 09/582,116
Filed : September 18, 2000
For : Method for Combinatorial Material Development
Using Differential Thermal Images
Art Unit : 1639
Examiner : Ponnaluri

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PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is a petition to withdraw the Notice of Abandonment incorrectly issued March 31, 2004 (copy enclosed), for the above noted application.

The issue fee for this application was mailed on December 1, 2003 to the previous attorney of record. The Issue Fee Transmittal, requesting the United States Patent and Trademark Office (USPTO) to charge Jones Day's Deposit Account No. 50-1432, for the payment of the issue fee, and ten (10) copies of the granted patent, was submitted to the USPTO on February 26, 2004. A copy of the Issue Fee Transmittal, and a copy of the USPTO stamped postcard receipt, dated March 1, 2004, are enclosed.

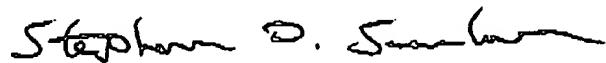
Further, a General Power of Attorney By Assignee and Exclusion of Inventors was submitted to the USPTO on March 4, 2004. Enclosed is a copy of the power and the USPTO stamped postcard receipt, dated March 8, 2004.

Finally, enclosed is a copy of the Verified Statement Claiming Small Entity Status, submitted with the Communication re: Filing of Declaration on a date Later Than the Filing Date of the Application, submitted on September 13, 2000.

Attorney for Applicant does not believe that any fees are due for the submission of this paper only, since the error was made by the USPTO. If any fees are due for the submission of this paper, please charge Jones Day's Deposit Account No. 50-1432.

Attorney for Applicant respectfully requests that the Notice of Abandonment be withdrawn due to the facts noted above. If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,



Stephen D. Scanlon, Registration No. 32755
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7023

Express Mail No.: _____
 Docket No.: 975902-600043
 Application No.: 09/582116
 Patent/Registration No.: _____
 Trademark: _____



Date Mailed: March 4, 2004
 Applicant: _____
 Filing Date: _____
 Issue/Registration Date: _____
 Title: _____

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

Affidavit (____ pages)
 Amendment (____ pages)
 Application Papers
 _____ sheets of drawing(s) (formal/informal)
 _____ pages specification
 _____ pages description
 _____ pages claims
 _____ pages abstract
 _____ pages of PCT Request
 _____ PCT Calculation sheet

 Application Data Sheet
 Assignment (____ pages) Assignment cover sheet
 Declaration (____ pages)
 Declaration/Power of Attorney (____ pages)
 Fee Transmittal Form
 IDS & PTO-1449 and
 _____ cited item(s)
 Provisional Application for Patent cover sheet

Design Patent Application Transmittal
 Utility Patent Application Transmittal
 Issue Fee Transmittal
 Maintenance Fee Transmittal Form
 Notice of Opposition
 Petition for Extension of Time
 Preliminary Amendment (____ pages)
 Renewal Application (____ pages)
 Response (____ pages)
 Revocation of Power of Attorney and Appointment of New Attorney
 Small Entity Statement
 Specimens
 Statement of Use
 Status Inquiry
 Transmittal Letter
 Check - Amount \$_____
 Other General Power of Atty by Assignee
 2 pgs

**GENERAL POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTORS UNDER 37 C.F.R. 3.71**

The undersigned Assignee hereby designates the following as its correspondence address and telephone number:

Stephen D. Scanlon
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7023

and appoints the following as its attorneys with full power of substitution and revocation, to prosecute all patent applications for which the undersigned Assignee is or will become an assignee of record, and to transact all business in the Patent and Trademark Office connected therewith:

Kenneth R. Adamo, Registration No. 27,299; Barbara E. Arndt, Registration No. 37,768; Michael R. Asam, Registration No. 51,417; John V. Biernacki, Registration No. 40,511; David B. Cochran, Registration No. 39,142; Lorri W. Cooper, Registration No. 40,038; Regan J. Fay, Registration No. 26,878; F. Drexel Feeling, Registration No. 40,602; Paul E. Franz, Registration No. 45,910; Calvin P. Griffith, Registration No. 34,831; David M. Malorana, Registration No. 41,449; Timothy J. O'Hearn, Registration No. 31,552; Mitchell Rose, Registration No. 47,906; Joseph M. Sauer, Registration No. 47,919; Stephen D. Scanlon, Registration No. 32,755; Jenny L. Sheaffer, Registration No. 45,099; H. Duane Switzer, Registration No. 22,431; Michael W. Vary, Registration No. 30,811; and James L. Wamsley, III, Registration No. 31,578;

all having the above designated address, provided that, if any appointed attorney ceases to be affiliated with the law firm of Jones Day then the appointment of such attorney and all powers derived therefrom shall terminate on the date such attorney ceases to be so affiliated.

In accordance with 37 C.F.R. 3.71, this appointment is to the exclusion of the inventors and their attorneys.

An assignment of the entire interest in application no. 09/582116

was recorded on _____, at Reel _____, Frames _____.
 is submitted herewith for recording.
 will be submitted at a later date.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 3/4/2004
By: Damely S. Engle

Please direct all correspondence for this application to customer no. _____.

ASSIGNEE: HTE Aktiengesellschaft the high throughput experimentation company

Signature: 

Typed Name: Wolfgang Stichert

Position>Title: Director

Address: Kurpfalzring 104
69123 Heidelberg, GERMANY

Date: Sep 15th, 2003



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| | | | |
|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 09582116 | | | |

| |
|----------|
| EXAMINER |
|----------|

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

23

DATE MAILED:

ABANDONMENT

CONTACT PERSON IS:
TOM HAWKINS

305-8380

NOTICE OF ABANDONMENT

This application is abandoned in view of:

Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).

No reply has been received.

Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).

The submitted fee of \$ 30 is insufficient. A balance of \$ 665 is due. The issue fee by 37 CFR 1.18 is \$ 665. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.

The issue fee and publication fee, if applicable, have not been received.

Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

No corrected drawings have been received.

The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

The reason(s) below:

Petitions to review under 37 CFR 1.197(a) are filed to

Express Mail No.: _____
 Docket No.: 975902-600043
 Application No.: 09/582116
 Patent/Registration No.: _____
 Trademark: _____

Date Mailed: February 26, 2004
 Applicant: _____
 Filing Date: _____
 Issue/Registration Date: _____
 Title: _____

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

Affidavit (____ pages)
 Amendment (____ pages)
 Application Papers
 _____ sheets of drawing(s) (formal/informal)
 _____ pages specification
 _____ pages description
 _____ pages claims
 _____ pages abstract
 _____ pages of PCT Request
 _____ PCT Calculation sheet
 _____ Application Data Sheet
 _____ Assignment (____ pages) Assignment cover sheet
 _____ Declaration (____ pages)
 _____ Declaration/Power of Attorney (____ pages)
 _____ Fee Transmittal Form
 _____ IDS & PTO-1449 and
 _____ cited item(s)
 _____ Provisional Application for Patent cover sheet

Design Patent Application Transmittal
 Utility Patent Application Transmittal
 Issue Fee Transmittal
 Maintenance Fee Transmittal Form
 Notice of Opposition
 Petition for Extension of Time
 Preliminary Amendment (____ pages)
 Renewal Application (____ pages)
 Response (____ pages)
 Revocation of Power of Attorney and Appointment of New Attorney
 Small Entity Statement
 Specimens
 Statement of Use
 Status Inquiry
 Transmittal Letter
 Check - Amount \$ _____
 Other



11. FEB. 2004 9:42

JONES DAY MUENCHEN

NR. 2778 S. 4

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Use Legal Briefcase with my signature in one block.)

7500 12/01/2003

Norris McLaughlin & Marcus P.A.
220 East 42nd Street
30th Floor
New York, NY 10017

Note: A certificate of mailing can only be used for domestic mailings of the FEE(s) Transmittal. This form itself cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmittal.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO on the date indicated below.

Pamela J. Cyngier

Pamela J. Cyngier

Pamela J. Cyngier

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/582,114 | 09/18/2000 | William F. Meier | STUDIEN 372- | 7034 |

TITLE OF INVENTION: METHOD FOR COMBINATORIAL MATERIAL DEVELOPMENT USING DIFFERENTIAL THERMAL IMAGES

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|-----------------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | YES | \$665 | \$0 | \$665 | 03/01/2004 |
| EXAMINER | | ART UNIT | CLASS-SUBCLASS | | |
| PUNNALLUR PADMAKUMARI | | 1639 | 436-037000 | | |

| | |
|--|--|
| 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303). | 2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents if no firm is listed, no name will be printed. |
| <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/12) attached. | <input type="checkbox"/> Jones Day |
| <input type="checkbox"/> "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 02-02 or more recent) attached. Use of a Customer Number is required. | <input type="checkbox"/> 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. < |

Studiengesellschaft

Applicant or Patentee: Kohle mbH et al. Attorney KGB

Serial or Patent No. : _____ Docket No.: _____

Filed or Issued: _____

For: Method for Combinatorial Material Development UsingDifferential Thermal ImagesVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Studiengesellschaft Kohle mbHADDRESS OF ORGANIZATION Kaiser-Wilhelm Platz 1, 45470 Mülheim an der Ruhr, GermanyTYPE OF ORGANIZATION Trustee for the Max-Planck-Institut für Kohlenforschung, Kaiser-Wilhelm-Platz 1, 45470 Mülheim an der Ruhr, Germany
[] University or other institution of higher education

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled _____ by inventor(s) _____ described in _____

- [] the specification filed herewith
- [] application Serial No. _____ filed _____
- [] patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

 INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Prof. Dr. E. Ziegler

NAME OF PERSON SIGNING

NAME OF PERSON SIGNING

Studiengesellschaft Kohle mbH
TITLE OF ORGANIZATION

TITLE OF ORGANIZATION

Kaiser-Wilhelm-Platz 1
45470 Mülheim an der Ruhr, DE
ADDRESS OF PERSON SIGNING

ADDRESS OF PERSON SIGNING

E. Ziegler
SIGNATURE

SIGNATURE

June 19, 2000

Date

Date